

IN THE SENATE OF THE UNITED STATES.

FEBRUARY 6, 1860.—Ordered to be printed.

Mr. CLAY submitted the following

REPORT.

The Committee on Commerce, to whom was referred the "petition of Leonard Grant, master of the brig Plumas, praying remuneration for losses occasioned by the loss of said brig in consequence of the discontinuance by the government of one of the lights at Cape Elizabeth, without giving public notice," have had the same under consideration, and report:

That from a report of the Light-house Board, accompanying the letter of the Secretary of the Treasury dated January 24, 1860, it appears that the statement of the petitioner, in which he alleges that there was but one light exhibited where two had previously been shown, and that he mistook this light for another of the same color, called "Wood Island light," and in consequence of this mistake shipwrecked his vessel, is incorrect in these and other particulars, as will be fully shown in the report of the Light-house Board above mentioned, which, together with the letter of the Secretary of the Treasury accompanying, the committee beg leave to submit as part of their report; and they recommend that the prayer of the petitioner be refused.

To the honorable the Senate and House of Representatives in Congress assembled, A. D. 1858:

The undersigned, Leonard Grant, of Belfast, in the county of Waldo, and State of Maine, respectfully represents to your honorable bodies that he was master of the brig Plumas, of Boston, in June, A. D. 1858, and was sailing her on shares; that he sailed from Cardenas, Cuba, on the seventh day of May last, for Portland, Maine, with a cargo of molasses; that at Cape Elizabeth the government has established and kept up two lights for over twenty years, one a steady light and the other a revolving light; that about the the twenty-second day of May last the government took down the steady light for the purpose of repairing the house in which it was placed, and kept it down between five and six weeks without any notice to the public or to seamen, or masters, or owners of vessels; that while said light was down, to wit, on the fifth day of June last, about half past four of the clock

in the morning, while he was sailing said brig, with the intention of making Portland harbor, he mistook the *single* remaining light on Cape Elizabeth for Wood Island light, both of which were of the same color and both revolving lights; that wholly in consequence of said mistake, which was caused by the other stationary light on Cape Elizabeth being down, he ran said brig on to Haskell's island, near Harpswell, Maine, and that said brig was duly abandoned as a total loss; that had he arrived at Portland his freight money would have amounted to fifteen hundred and twenty-five dollars, one-half of which belonged to him, and which was lost in consequence of the loss of said brig; that he had on hand in said brig at the time of her loss certain provision and stores amounting to, as near as he can judge, sixty dollars, all of which belonged to him, and all of which were lost; that he had on board of said brig, at the time of her loss, molasses and sugar, which cost him fifty-five dollars in Cuba, and which was all lost, and which, had it arrived at Portland, would have been worth eighty dollars; that he lost in beds and bedding some fifteen dollars; that in consequence of the loss of said brig he was thrown out of employment and is still out of employment, whereby he has lost his time, amounting to about four hundred dollars; and that he had no insurance on his freight, or any other article named as aforesaid. Wherefore he prays that your honorable bodies will allow him a sum of money equal to his loss, to be paid out of the treasury of the United States.

Dated at Belfast, this tenth day of November, A. D. 1858.

LEONARD GRANT.

I hereby certify that the foregoing statment is true.

WM. C. BLAKE.

Witness: WM. P. HORRIE.

Personally appeared before me the above named Wm. C. Blake, mate of the brig Plumas at the time of her loss, and well known to me as such, and then and there in my presence signed and made oath to the foregoing statement.

C. M. DAVIS, [L.s.]

Notary Public.

I, John Edwards, of Belfast, State of Maine, on oath, depose and say that I was a seaman on board of the brig Plumas, of Boston, in June, A. D. 1858, at the time she was wrecked on Haskell's island; that Leonard Grant was master, and William C. Blake was mate; that I have examined the foregoing statement; made and signed by Leonard Grant the master, and that the facts therein stated by him are true.

JOHN EDWARDS.

In the presence of NEHEMIAH ABBOTT.

WALDO, ss:

Then personally appeared before me, John Edwards, well known to me as a man of truth and veracity, and signed and made oath to the truth of the foregoing statement.

NEHEMIAH ABBOTT,

Justice of the Peace.

December 7, 1859.

TREASURY DEPARTMENT,
Office Light-house Board, January 18, 1860.

SIR: I have had the honor to receive the communication of the chairman of the Committee on Commerce of the Senate, of the 7th instant, addressed to you, and inclosing a petition from Leonard Grant, late master of the brig "Plumas," in which petition said Grant claims indemnity for certain freight, &c., in consequence of the loss of said brig, by default of the government, as is alleged, in not keeping up a proper light at or near the scene of the disaster, which letter and petition were referred by you to this board for a report.

There is no merit whatever in this petition, and it grossly mistakes the facts, as I shall proceed to show.

The petitioner states that previous to the loss of his vessel there were two lights exhibited at Cape Elizabeth, one a fixed, and the other a revolving light; that at the time of the loss, the tower from which the fixed light had been exhibited was undergoing repairs; that no fixed light was in consequence exhibited from that tower, and that no notice of the discontinuance of said light was given; that the remaining light, which was revolving, he confounded with Wood Island light, which was also revolving, and of the same color; and that, in consequence of this mistake, the loss occurred.

The only facts not denied in this statement are, that previous to the loss there were two lights at Cape Elizabeth; that at the time of the loss one of the towers was undergoing repairs, and that no notice was given of these repairs.

The facts are, that at the time of the loss, the fixed light-tower at Cape Elizabeth was being fitted with a new lantern, for the purpose of receiving a second-order lens. Whilst these repairs were going on, care was taken to exhibit a good and sufficient fixed light, by means of a lens-lantern, temporarily provided for this purpose. No notice was given of this temporary substitution of the lens-lantern for the old reflectors, for the reason that none was required, as the character of the light had not been changed in anywise. There were thus at the time of the loss as before, a fixed and a revolving light exhibited from Cape Elizabeth.

With reference to the statement that the petitioner confounded the Wood Island light with the Cape Elizabeth revolving light, because both of them were revolving lights, and of the same color. The latter part of this statement is unfounded in fact, and the inference is just that the first part of the statement is also unfounded.

As you will perceive by inspection of the Light-house List, herewith transmitted, (page 12,) Wood Island light *was*, and *is*, a red light, whilst Cape Elizabeth *was*, and *is*, a *white* light.

Thus much for the lights; now for the circumstances of the loss.

The principal facts to be observed with reference to this case are, that the loss occurred at 5 o'clock on the morning of the 5th June, or an hour or more after daylight, whilst the petitioner was attempting to take a narrow passage, with a scant wind, which passage, under such a circumstance, was dangerous.

The petitioner tells Congress that he lost his vessel on Haskell's island, but he did not tell it that he knew all the time where he was, and that he was attempting to run the passage between Marsh island and Haskell's island, with his mate as a pilot, who, having formerly lived on Haskell's island, thought himself acquainted with the passage, and volunteered to run the vessel through; which are the facts.

The petitioner further states that "said brig was duly abandoned as a total loss." Although this may be technically true, as between the owner of the brig and the insurance company, if there was an insurance upon her, (of which I am not informed,) the fact, in the sense in which it is used by the petitioner, is not true.

Neither brig nor cargo was a total loss. The former was afterwards gotten off, repaired at an expense of \$2,500, and then sold for \$4,000, and the latter was saved in a damaged condition. Further, the petitioner received the sum of \$727, over and above charges, as freight from the consignees. All these facts he not only conceals, but contradicts by his averments above noticed, to the effect that everything was lost. The petitioner only claims the half of \$1,525, freight, on this incorrect averment, that the whole freight was lost; and of this sum it appears that he has received, as already stated, the sum of \$727.

His "venture" of sugar and molasses was no doubt somewhat damaged, as was also his bed-clothing, which he values at \$15; but is probably no more foundation for the allegation of a "total loss" with reference to these articles than with reference to the cargo.

In conclusion I have respectfully to state that the brig *Plumas* was no doubt wrecked by ignorance or carelessness of the master, and that his being thrown out of employment (for which also he claims indemnity) is a just consequence of the judgment put upon his incapacity by ship-owners in his vicinity.

With reference to the information required by Mr. Clay as to the practice of this or other governments to reimburse claimants for similar losses, there is no evidence on file in this office that any such practice has ever obtained in this or any other government.

The petition of Mr. Grant is herewith returned.

Very respectfully,

R. SEMMES,
Secretary.

Hon. HOWELL COBB,
Secretary of the Treasury.

TREASURY DEPARTMENT, *January 24, 1860.*

SIR: I have the honor to acknowledge the receipt of your letter of 7th instant, inclosing petition of Leonard Grant, master of the brig "*Plumas*," asking remuneration for the loss of his vessel, in consequence of the discontinuance of the light at Cape Elizabeth without giving public notice, and to say that, having referred to the Light-house Board the petition in question for a report of the facts in the case, I

now transmit a copy of their reply, and have to add that the views of the case as therein expressed meet the concurrence of this department.

The petition transmitted is herewith returned.

I am, very respectfully,

HOWELL COBB,
Secretary of the Treasury.

Hon. C. C. CLAY, Jr.,

Chairman Committee on Commerce, Senate U. S.

